

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP 02/07303

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 C07D209/48 C11D3/28

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 C07D C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

CHEM ABS Data, EPO-Internal, BEILSTEIN Data, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 780 374 B (AUSIMONT SPA) 3 April 2002 (2002-04-03) cited in the application the whole document -----	1-28
X	FEEDER, N. ET AL: "Four omega.-phthalimidoaliphatic peracids" ACTA CRYSTALLOGRAPHICA, SECTION C: CRYSTAL STRUCTURE COMMUNICATIONS (1996), C52(6), 1516-1520, XP009018676 page 1519 -page 1520 -----	1-28

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

## \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

24 October 2003

Date of mailing of the international search report

31/10/2003

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

International Application No.  
PCT/EP 03/07303

### Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.: 1(part), 3-28(part)  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1(part), 3-28(part)

The general family of compounds disclosed in claim 1 and the process to prepare them is known from e.g. EP 0780374 as indicated by the applicant on page 3 line 2 of the specification.

The only characterizing feature according to claim 1 lies in a specific adsorption shift measured by Infrared Surface spectroscopy for the crystals obtained leading to the discovery of a new crystal form of the compounds of formula (I).

It is not scientifically credible and anyhow supported by the present application (Art. 5 PCT) that all the compounds of formula (I) possess an "alpha" form possessing the property claimed in the present application and furthermore that they are all characterised by the specific absorption shift value disclosed in claim 1.

In fact, the claims contain so many compounds for which a crystalline form alpha is not defined that a lack of conciseness within the meaning of Article 6 PCT arises to such an extent as to render a meaningful search of the claims impossible. Consequently, the search has been carried out for those parts of the application which do appear to be concise, namely to those parts of claims 1, 3-28 relating to the specific compound epsilon-phthalimido-peroxyhexanoic acid as mentioned in claim 2 and in the examples.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 02/07303

Patent document cited in search report	Publication date		Patent family member(s)	Publication date
EP 0780374	B	25-06-1997	IT MI952717 A1	23-06-1997
			AT 215531 T	15-04-2002
			BR 9606124 A	03-11-1998
			CN 1157819 A ,B	27-08-1997
			DE 69620366 D1	08-05-2002
			DE 69620366 T2	14-11-2002
			DK 780374 T3	29-07-2002
			EP 1130014 A2	05-09-2001
			EP 0780374 A1	25-06-1997
			ES 2173244 T3	16-10-2002
			JP 9278747 A	28-10-1997
			US 5703245 A	30-12-1997
			ZA 9610727 A	26-06-1997